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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

JERRY LEE DOUGLAS,

Petitioner,

vs.

SUPERINTENDENT ZEE HYDEN,

Respondent.

Case No. 3:03-cv-0221-JWS

**STATUS REPORT
(RESPONSE TO ORDER
AT DOCKET 150)**

In light of the court's order at Docket 150, counsel for Jerry Lee Douglas has conferred with counsel for the Respondent. The parties do intend to proceed with this litigation in the district court.

Mr. Douglas filed a petition for a writ of habeas corpus on several grounds, some of which alleged the ineffective assistance of counsel. The merits were briefed. With respect to one of the grounds, Mr. Douglas sought an evidentiary hearing or an expansion of the evidentiary record. The magistrate judge denied that specific request and moreover recommended denial of each of Mr. Douglas's claims. Dockets 117, 120. Mr. Douglas objected to the magistrate judge's

determinations. Docket 118. The district court proceeded to decide one of the issues without an evidentiary hearing: whether Mr. Douglas's counsel had been ineffective in failing to introduce the complaining witness's inconsistent statements for the purpose of impeachment. The court decided the issue in Mr. Douglas's favor, the Respondent appealed, and the Court of Appeals reversed that decision.

The case has therefore been remanded for the court's consideration of Mr. Douglas's other arguments. Accordingly, Mr. Douglas renews his request for an expansion of the evidentiary record or for an evidentiary hearing. *See* Opening Brief in Support of Petition for Writ of Habeas Corpus, Docket 43 at 2-3, 15-16. *See also* motions at Dockets 111, 113.

DATED this 14th day of April, 2008.

Respectfully submitted,

FEDERAL PUBLIC DEFENDER
FOR THE DISTRICT OF ALASKA

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Certification:

I certify that on April 14, 2008, a copy of the foregoing document was served electronically on:

Blair M. Christensen, Esq.

/s/ Mary C. Geddes